

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-29 are presently active in this case. The present Amendment amends Claims 1, 4 and 10 without introducing any new matter or raising new issues.

In the outstanding Office Action, Claims 1-6, 10-12, 16-18 and 21-23 were rejected under 35 U.S.C. §102(b) as anticipated by Schwinghammer et al. (U.S. Patent No. 5,953,661, herein “Schwinghammer”). Claims 8-9 were allowed and Claims 7, 13-15, 19-20 and 24-29 were indicated as allowable if rewritten in independent form.

Applicant acknowledges with appreciation the indication of allowable subject matter. In response, independent Claim 1 is amended to recite “simulating the telecommunication system to create at least one operation condition between the plurality of radio base stations and the plurality of mobile transceivers.” A similar feature was already presented in allowed, independent Claims 8 and 9, and accordingly, Applicant respectfully submits that this feature does not raise any new issues that were not previously considered by the Examiner. The changes also find non-limiting support in Applicant’s specification as originally filed, for example at page 6, lines 22-26 and at page 8, lines 20-27, and are therefore also not believed to raise a question of new matter. In addition, independent Claims 4 and 10 are amended to recite a similar feature as a means-plus-function claim (Claim 4) and a device claim (Claim 10).

In light of the amendments to independent Claims 1, 4 and 10, Applicant respectfully requests reconsideration of the rejection of Claims 1-6, 10-12, 16-18 and 21-23 under 35 U.S.C. §102(b), and traverses the rejection, as discussed next.

Briefly summarizing, Claim 1 is directed to a method of simulating operating conditions of a telecommunication system including a plurality of radio base stations and a

plurality of mobile transceivers. The method includes the steps of: *simulating the telecommunication system to create at least one operation condition* between the plurality of radio base stations and the plurality of mobile transceivers; computing at least one value of at least one interference parameter of one of said mobile transceivers of the at least one operation condition of said simulating or selecting, the at least one interference parameter being indicative of an amount of interference affecting a communication between said mobile transceiver and an associated radio base station; identifying radio base stations and mobile transceivers that generate an amount of interference attaining a predetermined level of significance and affecting said communication; and selecting data of an operation condition of radio base stations and mobile transceivers identified during the identifying for an execution of the computing.

Turning now to the applied reference, Schwinghammer is directed to a system and method for *operating* a cellular communication system,¹ in the field of cellular communications systems and methods of operating the same.² However, Schwinghammer does not teach or suggest the simulating of the telecommunication system to create at least one operation condition between the plurality of radio base stations and the plurality of mobile transceivers. A person of ordinary skill in the art would understand that operating an actual communication system, as taught by Schwinghammer, and simulating the telecommunication system, as claimed by Applicant's amended independent Claim 1, is not the same.

A non-limiting example in Applicant's specification explains that "a computation of interference parameters such as the signal-to-noise ratios described above will require a huge amount of computing power, since the 3G telecommunication systems to be realistically simulated will typically involve thousands of radio base stations and hundred of thousands of

¹ Schwinghammer, abstract.

² Schwinghammer, column 1, lines 6-8.

mobile receivers,”³ and further cites that “[s]uch [simulation] methods are currently used for optimizing, *before actual physical implementation of a telecommunication system*, a deployment of radio base stations forming a network in the system and a design of a decision-making network infrastructure to manage the network in order to define a telecommunication system that provides optimal communication services at the lowest possible cost” (emphasis added).⁴

Therefore, Applicant respectfully submits that Schwinghammer does not teach or suggest simulating the telecommunication system to create at least one operation condition between the plurality of radio base stations and the plurality of mobile transceivers as recited in independent Claim 1. Accordingly, Applicant respectfully traverses, and requests reconsideration of, the rejection based on Schwinghammer.⁵

Independent Claims 4 and 10 recite limitations analogous to the limitations recited in independent Claim 1, and have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicant respectfully submits that the rejections of Claims 4 and 10, and all associated dependent claims, are rendered moot by the present amendment.

The present amendment is submitted in accordance with the provisions of 37 C.F.R. §1.116, which after Final Rejection permits entry of amendments placing the claims in better form for consideration on appeal. As the present amendment is believed to overcome outstanding rejections under 35 U.S.C. §102(b), the present amendment places the application in better form for consideration on appeal. In addition, the present amendment is not believed to raise new issues because the changes to independent Claims 1, 4 and 10

³ Applicant’s specification, page 3, lines 10-13.

⁴ Applicant’s specification, page 1, lines 14-18.

⁵ See MPEP 2131: “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” (Citations omitted) (emphasis added). See also MPEP 2143.03: “All words in a claim must be considered in judging the patentability of that claim against the prior art.”

merely recite limitations previously introduced into allowed, independent Claims 8 and 9. It is therefore respectfully requested that 37 C.F.R. §1.116 be liberally construed, and that the present amendment be entered.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-29 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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